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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

2:13-CR-62 JCM (PAL)

9 Plaintiff(s),

10 v.

11 KEVIN SALISBURY,

12 Defendant(s).
13

14 **ORDER**

15 Presently before the court are Magistrate Judge Leen's report and recommendation. (Doc.
16 # 46). On February 6, 2014, the magistrate judge held a hearing to determine whether defendant
17 Kevin Salisbury was mentally competent to stand trial. (Doc. # 45). Judge Leen found him to be
18 competent and now recommends he be required to stand trial. The defendant has not filed objections
19 to the report and recommendation, and the deadline to do so has expired.

20 This court "may accept, reject, or modify, in whole or in part, the findings or
21 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
22 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
23 determination of those portions of the [report and recommendation] to which objection is made."
24 28 U.S.C. § 636(b)(1).

25 Where a party fails to object, however, the court is not required to conduct "any review at all
26 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
27 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
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1 judge's report and recommendation where no objections have been filed. *See United States v.*
2 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
3 district court when reviewing a report and recommendation to which no objections were made); *see*
4 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
5 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
6 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
7 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
8 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
9 to which no objection was filed).

10 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
11 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
12 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
13 in full.

14 Accordingly,

15 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the magistrate judge's report
16 and recommendation (doc. # 46) be, and the same hereby are, ADOPTED in their entirety.

17 DATED April 17, 2014.

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20 **UNITED STATES DISTRICT JUDGE**